

EXHIBIT 27

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3 UNITED STATES DISTRICT COURT

4 DISTRICT OF MASSACHUSETTS

5 No. 04-CV-11948-RGS

6 SEYED MOHSEN HOSSEINI-SEDEHY,

7 Plaintiff

8 vs.

9 ERIN T. WITHINGTON and the CITY

10 OF BOSTON,

11 Defendants

12
13 DEPOSITION OF ERIN T. WITHINGTON

14 Thursday, March 31, 2005

15 10:00 a.m. - 4:32 p.m.

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24 Reporter: Cynthia C. Henderson/RPR

Erin T. Withington - March 31, 2005

<p style="text-align: right;">158</p> <p>1 Q. When you say "encouraged," isn't it a fact 2 that that is your goal as an investigator, to go out 3 and find information that will either corroborate or 4 refute a sexual assault allegation? 5 A. Yes. 6 Q. Your role is not to take someone's 7 complaint and pass it on to the District Attorney; 8 correct? 9 A. No. 10 Q. Your role is to do an investigation when 11 someone makes an allegation of sexual assault. 12 Isn't that true? 13 A. Yes. 14 Q. And the allegations that Mr. Bavis made 15 after you had the interview with Mr. Hosseini, you 16 chose not to investigate. Isn't that true? 17 MS. AMBARIK: Objection. You can 18 answer. 19 A. No, I didn't. No. 20 Q. Why did you choose not to do any 21 investigation into Bavis's allegations after you had 22 conducted the interview with Mr. Hosseini? 23 A. In the week in between? 24 Q. At any time between.</p>	<p style="text-align: right;">160</p> <p>1 touched anyone in an inappropriate way, so I really 2 didn't think he was going to say, "Oh, yes. Now I 3 am." 4 Q. But did you think of calling him and 5 saying, "Have they even worked with you since then?" 6 A. No. 7 Q. Why not? 8 A. Because I am basing it on what 9 Mr. Bavis told me. Mr. Bavis is my victim. At that 10 time I have to be concerned with the fact that this 11 is still happening to him every day as a victim. 12 Q. But you said your role as a police officer 13 was to investigate these complaints that Mr. Bavis 14 was making over the telephone post Mr. Hosseini's 15 interview? 16 A. Yes. 17 Q. And you chose not to perform that 18 investigation; correct? 19 A. As I had stated previously, this took place 20 at the end of a week. There was a weekend in the 21 middle. In those days I was gone. I came back, 22 spoke with Mr. Bavis, then went and sought the 23 arrest warrant, so there was one day that I spoke 24 with Mr. Bavis.</p>
<p style="text-align: right;">159</p> <p>1 A. Because at that point I had sent it up to 2 the D.A.'s office and assumed that both parties 3 would let it take its place through the court, as 4 most people do. Most people tend to stay away from 5 each other after that, and that didn't occur, and it 6 was becoming an almost daily occurrence where I had 7 a victim stating that he was assaulted almost daily, 8 and I took it upon myself to seek an arrest warrant. 9 Q. Did you even call Mr. Hosseini on his phone 10 after any one of the telephone calls that Bavis or 11 Joe Perry had made after you spoke with Mr. Hosseini 12 in person to let him know there are additional 13 allegations, "What do you say about them?" 14 A. No. 15 Q. Why not? 16 A. I had already spoken to Mr. Hosseini. 17 Q. But you didn't speak with him about any of 18 the post Mr. Hosseini interview allegations that 19 Bavis made; correct? 20 A. Right. 21 Q. So why didn't you at least give him a phone 22 call and ask him if this was true? 23 A. Because I had brought him into my office, 24 and he had already stated to me that he never</p>	<p style="text-align: right;">161</p> <p>1 Q. How long did it take you to type up the 2 application for the arrest warrant? 3 A. Ten minutes. 4 Q. How long did it take you to dial 5 Mr. Hosseini's telephone number? 6 MS. AMBARIK: Objection. 7 A. Seven seconds. 8 Q. And it would have taken you less time to 9 talk with Mr. Hosseini about these allegations than 10 it would have taken to apply for the arrest warrant; 11 correct? 12 A. True. 13 Q. And was there some facet of this 14 investigation that caused you not to at least call 15 Mr. Hosseini? 16 A. Mr. Bavis was my victim. Mr. Hosseini was 17 my suspect. We don't normally call the suspect and 18 say, "Are you still doing this? Cut it out" after 19 we have had an interview with them. If I have a 20 victim saying, "This is still occurring to me," at 21 that time the victim has to be the priority. 22 Q. Actually, what you do is when you get new 23 allegations you want to speak with the suspect 24 again; correct?</p>